REMARKS

I.   <u>Status Of The Claims</u>

Claims 24-65 are pending in this Application.

Claims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, and 62-65 are rejected under 35 U.S.C. 101.

Claims 43 and 52 are rejected under 35 U.S.C. 112, second paragraph.

Claims 24-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruck (U.S. Patent No. 6,691,165).

Claims 24, 35, 44, 55, 64, and 65 are independent.

II.   <u>Rejection Under 35 U.S.C. 101</u>

The Office Action rejects claims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55, 59, 60, and 62-65 under 35 U.S.C. 101, the Office Action stating that:

> "[c]laims 24, 28, 29, 31, 35, 39, 40, 42, 44, 48, 49, 51, 55,
> 59, 60, 62-65 are rejected because the disclosed invention is
> inoperative and therefore lacks utility.
>
> 'take into account the monitoring' and 'account number'
> are not in specification"
> (see Office Action, p. 2).

However, in view, for example, of the disclosure of the present application stating that:

> "[t]he multicast system 200 in FIG. 2 differs from that of
> FIG. 1 in that there is a <u>web hit monitor 202 and an
> interaction network 204</u> ... In this embodiment, the method
> for increasing a user's perceived access speed to content
> available from a data network 104 includes <u>measuring user
> demand for data</u> using a web hit monitor 202, <u>selecting 110
> data to be sent over a shared multicast channel 114 based</u>

2

upon said user demand, collecting the data to be sent 108,
optionally sending the collected data to a shared cache 106;
sending the data 112 over a multicast network 114, receiving
the data by a reception agent 116, filtering the data by the
reception agent 116, storing the filtered data in a local cache
118, and retrieving the filtered data from the cache 118 for
user consumption"
(see disclosure of the present application, paragraph [0018];
emphasis added)

and that:

"[a]s shown in FIG. 2, the data to be sent over the multicast
channel 114 is selected by the group data selection module
110 based upon the information gathered by the web hit
monitor module 202. For example, after a predetermined
number of clients have requested the same web page then
the page is selected to be sent over the multicast channel
114. Another example is that when a number of hits to a
"sponsored page" are made, a promotional file (e.g. game) is
also sent. Moreover, the thresholds may be location related,
e.g. it must be two people in a certain (DVB-T) broadcast
cell or on a certain IP subnet"
(see disclosure of the present application, paragraph [0022];
emphasis added),

Applicants respectfully disagree with the rejection and respectfully request that it

be withdrawn.

III. **Rejection Under 35 U.S.C. 112**

The Office Action rejects claims 43 and 52 under 35 U.S.C. 112, second

paragraph, the Office Action stating that:

"[c]laim 43, 52 is rejected under 35 U.S.C. 112, second
paragraph, as being indefinite for failing to particularly point
out and distinctly claim the subject matter which applicant
regards as the invention.

i.e.: sponsored data is treated as preferable"
(see Office Action, p. 2; emphasis in original).

3

However, in view, for instance, of the disclosure of the present application stating that:

> "[a]nother example would be where <u>a 'sponsor' policy is available and sponsored data is treated as preferable</u> (e.g., send the linked page as well as the requested page either 'if it belongs to a sponsor and there is a 10% chance of being followed' or 'if it does not belong to a sponsor and there is a 50% chance of it being followed')"
> (see disclosure of the present application, paragraph [0023]; emphasis added),

Applicants respectfully disagree with the rejection and respectfully request that it be withdrawn.

IV.   <u>Rejection Under 35 U.S.C. 102</u>

The Office Action rejects independent claims 24, 35, 44, 55, 64, and 65 under 35 U.S.C. 102(e) as being anticipated by Bruck.

However, Applicants respectfully submit that Bruck fails, for example, to disclose, teach, or suggest:

> "... selecting data, wherein selection <u>takes into account the monitoring</u>; and
>
> sending <u>the selected data</u> over a <u>multicast network</u>"

as set forth in each of claims 24, 44, and 64 (emphasis added).

As another example, Bruck fails to disclose, teach, or suggest:

> "... receiving, over a <u>multicast network</u>, <u>selected data</u> through a local proxy,
>
> wherein selection of the data <u>takes into account monitoring</u> of the interaction network"

as set forth in each of claims 35, 55, and 65 (emphasis added).

The Office Action, apparently equating the "list of port connections" of Bruck with the "data" of the claims, the "shar[ing] ... via the combination of real-time UDP multicast and reliable token delivery" of Bruck with the "sending ... over a multicast network" and "receiving, over a multicast network" of the claims, and the "Server cluster Monitor" of Bruck with the "monitoring" of the claims, contends that such is disclosed among column 5 line 39, column 22 lines 32-48, column 26 lines 51-65, column 27 line 6, column 27 lines 25-46, and Fig. 16 of Bruck.

However, Applicants respectfully observe that even if such equations are taken to be true for the sake of argument, Bruck would still fail, for instance, to disclose, teach, or suggest taking into account the server cluster monitor in selecting the list of port connections to be shared via the combination of real-time UDP multicast and reliable token delivery.

Instead, Bruck merely discusses that:

> "FIG. 13 is a representation of the Remote Management
> Console screen 1200 of FIG. 12, showing the drop-down
> Edit menu selections. FIG. 13 shows the screen after a user
> has selected the Edit menu from the menu bar 1206 and
> caused the Edit menu 1302 to drop down from the menu bar.
> The menu selections include Add Server cluster Monitor
> 1304, Set Number of Adapters 1306, Set Size of IP Pool
> 1308, Set Client Authentication Port 1310, and Set Password
> 1312"
> (see Bruck, col. 22 ln. 32-40),

and that:

> "[e]ach distributed server of the front layer subnet maintains
> a list of port connections that it services, and shares this list
> with the other front layer servers via the combination of real-
> time UDP multicast and reliable token delivery"
> (see Bruck, col. 27 ln. 3-7).

As a further example, Bruck fails to disclose, teach, or suggest:

> "... monitoring an interaction network; ... [and]

sending the selected data over a multicast network"

as set forth in each of claims 24, 44, and 64 (emphasis added).

As an additional example, Bruck fails to disclose, teach, or suggest:

"... providing, via an interaction network, one or more
requests; and

receiving, over a multicast network, selected data through a
local proxy ..."

as set forth in each of claims 35, 55, and 65 (emphasis added).

Applicants respectfully observe that Bruck fails, for instance, to disclose, teach, or

suggest that there are two networks, an interaction network and a separate multicast network.

There is, for example, no disclosure, teaching, or suggestion that the "shar[ing] ...

via the combination of real-time UDP multicast and reliable token delivery" of Bruck

corresponds to a separate multicast network.

In view of at least the foregoing, Applicants respectfully submit that claims 24,

35, 44, 55, 64, and 65, as well as those claims that depend therefrom, are in condition for

allowance.

V.   **Dependent Claim Rejections**

Applicants do not believe it is necessary at this time to further address the

rejections of the dependent claims as Applicants believe that the foregoing places the

independent claims in condition for allowance. Applicants, however, reserve the right to further

address those rejections in the future should such a response be deemed necessary and

appropriate.

VI.   <u>Conclusion</u>

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

VII.   <u>Authorization</u>

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4041.
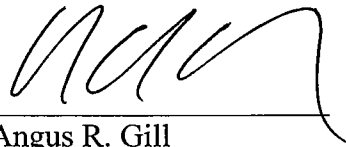
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

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7

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